

Assembly Bill No. 403

CHAPTER 1022

An act to add Section 6228 to the Family Code, relating to law enforcement, and making an appropriation therefor.

[Approved by Governor October 10, 1999. Filed
with Secretary of State October 10, 1999.]

I am signing Assembly Bill No. 403; however, I am deleting the \$200,000 General Fund appropriation contained in Section 1.5.

AB 403 would appropriate \$200,000 from the General Fund to the Department of Justice (DOJ) for training local law enforcement on the enforcement of firearm laws at gun shows.

Having recently signed legislation tightening regulation of gun shows, I support the need for additional training. However, primary responsibility of law enforcement at gun shows is a local responsibility, and I believe the Commission on Peace Officers Standards and Training is the appropriate state agency to provide training for local law enforcement officers.

If the Commission desires to contract with the Department of Justice to provide such training, I will provide the necessary funding in the budget process.

This bill would also require local law enforcement agencies to make available to a victim one copy of domestic violence incident report within a specific period of time.

I believe this is an important measure that will help victims of domestic violence obtain the documentation they need to secure restraining orders as quickly as possible.

GRAY DAVIS, Governor

LEGISLATIVE COUNSEL'S DIGEST

AB 403, Romero. Law enforcement: domestic violence.

Existing law establishes procedures for the prevention of domestic violence and provides both civil and criminal sanctions for acts of domestic violence.

This bill would require each state and local law enforcement agency to provide, without imposing a fee, one copy of any domestic violence incident report face sheet, domestic violence incident report, or both, upon request, to a victim of domestic violence within a specified amount of time, thereby imposing a state-mandated local program.

The bill would also appropriate \$200,000 from the General Fund to the Department of Justice for training local law enforcement on the enforcement of firearms laws at gun shows.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 6228 is added to the Family Code, to read:

6228. (a) State and local law enforcement agencies shall provide, without charging a fee, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, to a victim of domestic violence, upon request. For purposes of this section, “domestic violence” has the definition given in Section 6211.

(b) A copy of a domestic violence incident report face sheet shall be made available during regular business hours to a victim of domestic violence no later than 48 hours after being requested by the victim, unless the state or local law enforcement agency informs the victim of the reasons why, for good cause, the domestic violence incident report face sheet is not available, in which case the domestic violence incident report face sheet shall be made available to the victim no later than five working days after the request is made.

(c) A copy of the domestic violence incident report shall be made available during regular business hours to a victim of domestic violence no later than five working days after being requested by a victim, unless the state or local law enforcement agency informs the victim of the reasons why, for good cause, the domestic violence incident report is not available, in which case the domestic violence incident report shall be made available to the victim no later than 10 working days after the request is made.

(d) Persons requesting copies under this section shall present state or local law enforcement with identification at the time a request is made.

(e) This section shall apply to requests for face sheets or reports made within five years from the date of completion of the domestic violence incidence report.

(f) This section shall be known, and may be cited, as the Access to Domestic Violence Reports Act of 1999.

SEC. 1.5. There is hereby appropriated from the General Fund to the Department of Justice the sum of two hundred thousand dollars (\$200,000) for the training of local law enforcement agencies on the enforcement of firearms laws at gun shows.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant

to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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